

REMARKS

Claims 79-134 are pending in the application and are subject to a restriction requirement. The claims are restricted into four groups as follows:

- I. Claims 79-105, drawn to methods for assessing the presence or absence of a disease state in a subject;
- II. Claims 106-132, drawn to methods for monitoring disease progression;
- III. Claim 133, drawn to a method for creating a cytoskeletal protein profile; and,
- IV. Claim 134, drawn to a method for generating a classification system.

For purposes of being fully responsive to the restriction requirement, Applicants elect group I for prosecution. The election is made with traverse. At a minimum, groups I and II should be rejoined because no serious burden has been established. Given the relatedness of the claimed methods' steps, a search on the claimed methods for disease diagnosis will reveal art, to the extent any exists, relevant to disease monitoring. In the event that groups I and II are not rejoined at this time, Applicant requests that the restriction requirement between groups I and II be reconsidered at the time that patentable subject matter is found in group I.

Applicant thanks the Examiner for the time and courtesies extended to Applicant's representative in a telephone conversation on September 5, 2007 in which the present restriction requirement was discussed. It is noted that the Examiner orally agreed to reconsider the restriction requirement between groups I and II upon a finding of allowable subject matter in group I.

DOCKET NO.: BDT-0003
Application No.: 10/817,644
Office Action Dated: June 28, 2007

PATENT

The foregoing is fully responsive to the restriction requirement. Applicant submits that the present claims are in condition for examination on the merits, which action is requested.

Respectfully Submitted,

Date: September 6, 2007

/Brian A. Cocca/

Brian A. Cocca, Ph.D.
Registration No. 58,583

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439